

1 AN ACT concerning the disclosure of information.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as Molly's Law.

5 Section 5. The Wrongful Death Act is amended by changing
6 Section 2 as follows:

7 (740 ILCS 180/2) (from Ch. 70, par. 2)

8 Sec. 2. Every such action shall be brought by and in the
9 names of the personal representatives of such deceased person,
10 and, except as otherwise hereinafter provided, the amount
11 recovered in every such action shall be for the exclusive
12 benefit of the surviving spouse and next of kin of such
13 deceased person. In every such action the jury may give such
14 damages as they shall deem a fair and just compensation with
15 reference to the pecuniary injuries resulting from such death,
16 including damages for grief, sorrow, and mental suffering, to
17 the surviving spouse and next of kin of such deceased person.

18 The amount recovered in any such action shall be
19 distributed by the court in which the cause is heard or, in the
20 case of an agreed settlement, by the circuit court, to each of
21 the surviving spouse and next of kin of such deceased person in
22 the proportion, as determined by the court, that the percentage

1 of dependency of each such person upon the deceased person
2 bears to the sum of the percentages of dependency of all such
3 persons upon the deceased person.

4 Where the deceased person left no surviving spouse or next
5 of kin entitled to recovery, the damages shall, subject to the
6 following limitations inure, to the exclusive benefit of the
7 following persons, or any one or more of them:

8 (a) to the person or persons furnishing hospitalization or
9 hospital services in connection with the last illness or injury
10 of the deceased person, not exceeding \$450;

11 (b) to the person or persons furnishing medical or surgical
12 services in connection with such last illness or injury, not
13 exceeding \$450;

14 (c) to the personal representatives, as such, for the costs
15 and expenses of administering the estate and prosecuting or
16 compromising the action, including a reasonable attorney's
17 fee. In any such case the measure of damages to be recovered
18 shall be the total of the reasonable value of such
19 hospitalization or hospital service, medical and surgical
20 services, funeral expenses, and such costs and expenses of
21 administration, including attorney fees, not exceeding the
22 foregoing limitations for each class of such expenses and not
23 exceeding \$900 plus a reasonable attorney's fee.

24 Except as otherwise provided in this Section, every ~~Every~~
25 such action shall be commenced within 2 years after the death
26 of such person but an action against a defendant arising from a

1 crime committed by the defendant in whose name an escrow
2 account was established under the "Criminal Victims' Escrow
3 Account Act" shall be commenced within 2 years after the
4 establishment of such account. An action may be brought within
5 5 years after the date of the death if the death is the result
6 of violent intentional conduct or within one year after the
7 final disposition of the criminal case if the defendant is
8 charged with:

9 (i) first degree murder under Section 9-1 of the
10 Criminal Code of 2012;

11 (ii) intentional homicide of an unborn child under
12 Section 9-1.2 of the Criminal Code of 2012;

13 (iii) second degree murder under Section 9-2 of the
14 Criminal Code of 2012;

15 (iv) voluntary manslaughter of an unborn child under
16 Section 9-2.1 of the Criminal Code of 2012;

17 (v) involuntary manslaughter or reckless homicide
18 under Section 9-3 of the Criminal Code of 2012;

19 (vi) involuntary manslaughter or reckless homicide of
20 an unborn child under Section 9-3.2 of the Criminal Code of
21 2012; or

22 (vii) drug-induced homicide under Section 9-3.3 of the
23 Criminal Code of 2012.

24 For the purposes of this Section 2, next of kin includes an
25 adopting parent and an adopted child, and they shall be treated
26 as a natural parent and a natural child, respectively. However,

1 if a person entitled to recover benefits under this Act, is, at
2 the time the cause of action accrued, within the age of 18
3 years, he or she may cause such action to be brought within 2
4 years after attainment of the age of 18.

5 In any such action to recover damages, it shall not be a
6 defense that the death was caused in whole or in part by the
7 contributory negligence of one or more of the beneficiaries on
8 behalf of whom the action is brought, but the amount of damages
9 given shall be reduced in the following manner.

10 The trier of fact shall first determine the decedent's
11 contributory fault in accordance with Sections 2-1116 and
12 2-1107.1 of the Code of Civil Procedure. Recovery of damages
13 shall be barred or diminished accordingly. The trier of fact
14 shall then determine the contributory fault, if any, of each
15 beneficiary on behalf of whom the action was brought:

16 (1) Where the trier of fact finds that the contributory
17 fault of a beneficiary on whose behalf the action is
18 brought is not more than 50% of the proximate cause of the
19 wrongful death of the decedent, then the damages allowed to
20 that beneficiary shall be diminished in proportion to the
21 contributory fault attributed to that beneficiary. The
22 amount of the reduction shall not be payable by any
23 defendant.

24 (2) Where the trier of fact finds that the contributory
25 fault of a beneficiary on whose behalf the action is
26 brought is more than 50% of the proximate cause of the

1 wrongful death of the decedent, then the beneficiary shall
2 be barred from recovering damages and the amount of damages
3 which would have been payable to that beneficiary, but for
4 the beneficiary's contributory fault, shall not inure to
5 the benefit of the remaining beneficiaries and shall not be
6 payable by any defendant.

7 The trial judge shall conduct a hearing to determine the
8 degree of dependency of each beneficiary upon the decedent. The
9 trial judge shall calculate the amount of damages to be awarded
10 each beneficiary, taking into account any reduction arising
11 from either the decedent's or the beneficiary's contributory
12 fault.

13 This amendatory Act of the 91st General Assembly applies to
14 all actions pending on or filed after the effective date of
15 this amendatory Act.

16 This amendatory Act of the 95th General Assembly applies to
17 causes of actions accruing on or after its effective date.

18 (Source: P.A. 95-3, eff. 5-31-07.)